

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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MARK PLASCENCIA,

Plaintiff,

vs.

CITY OF ST. GEORGE, ST. GEORGE  
POLICE DEPARTMENT and JARED  
TAYLOR,

Defendants.

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AMENDED MEMORANDUM  
DECISION AND ORDER  
GRANTING PLAINTIFF'S MOTION  
FOR RETURN OF UNDERTAKING

Case No. 2:07-CV-2 TS

This matter is before the Court on Plaintiff's Motion for Return of Undertaking.<sup>1</sup> The Motion is unopposed. At the outset of his case, Plaintiff was required to pay to the Court \$300.00 pursuant to Utah Code Ann. § 63g-7-601.<sup>2</sup> That statute requires a party suing the state to post a bond "conditioned upon the payment by the plaintiff of taxable costs incurred by the governmental entity in the action if the plaintiff fails to prosecute the action or fails to recover

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<sup>1</sup>Docket No. 274.

<sup>2</sup>At the time Plaintiff posted his bond, the statute was found at Utah Code Ann. § 63g-30(d)-601.

judgment.”<sup>3</sup> Because Plaintiff has not failed to prosecute or recover, the undertaking bond will be returned.

The \$300.00 undertaking bond in this matter is to be released to S. Clark Newhall, 57 W 200 S #101, Salt Lake City, Utah 84101.

It is therefore

ORDERED that Plaintiff’s Motion for Return of Undertaking (Docket No. 274) is GRANTED.

DATED December 12, 2011.

BY THE COURT:

  
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TED STEWART  
United States District Judge

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<sup>3</sup>Utah Code Ann. § 63g-7-601(2)(b).